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A Guide to Local Lists:

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LISTS

Street List
Annual Register
Voting List

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A GUIDE TO LOCAL LISTS:

Street List, Annual Register, Voting List

The Massachusetts General Laws require that three annual listings be prepared in each city and town by registrars of voters or election commissioners. This guide is a compilation of Massachusetts laws relating to the preparation, distribution and use of street lists, annual registers and voting lists. It is intended for use as a general reference for local officials and the general public.

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I. STREET LISTS

According to state law, every January or February, registrars shall visit or communicate with the residents of every building in the city (town) and make true lists containing, as nearly as they can ascertain:

- Name
- Age or date of birth
- Occupation
- Nationality, if not U.S. citizen
- Residence on January 1 in preceding and current year of every person 17 years of age or older, residing in the city or town. C 51 § 4

On or before April 15, each year, except as provided by special law, the registrars shall prepare lists, containing the names and addresses obtained in January or February, arranged:

- In cities, by streets
- In towns, by streets or alphabetically
- In cities and towns of over 5,000 inhabitants, by the smallest subdivision of the city or town for the purpose of voting. C 51 § 6

Distribution

On or before each June 15, the registrars shall have printed, typed or mimeographed enough lists to be given free to:

- All duly organized political committees
- All political candidates of the various districts in which the city or town is located.

The lists are to be given at a fee determined by the registrars to:

- Business organizations
- Other nonpolitical committees C 51 § 6

On these lists the registrars must also designate all buildings used as residences in their order on the street where they are located and must list the name of each person living there, along with all the information contained in the street list. Every person listed, if a registered voter, must be designated by an asterisk or other symbol. C 51 § 7

Copies of such lists shall be available to the chairman of each city and town committee. C 51 § 7

Omissions

If a person is omitted, yet required to be listed, he shall present to the registrars before the close of registration a sworn statement that he was a resident of such city or town as of January 1. If the registrars are satisfied that such statement is true, they shall list him, and on request, give him a certificate thereof. C 51 § 8

Innkeepers

Every innholder and keeper of a lodging house (licensed under C 140) shall, under penalties of perjury, provide the registrars with the names of every person 17 years or older on January 1 of such year, whose place of residence on January 1 was at such inn.

Lodging house also includes fraternity houses and dormitories of educational institutions. C 51 § 10A

Deaths

The officer in charge of registration of deaths, on the first day of every month and two days before every election, transmits to the registrars, a list of all those 18 years or older, who died in the preceding month, or since the date of the last given list, with a statement of the ward, street and number, if any, where such person resided at his death. C 51 § 14

Assistance in Making Lists

The registrars may, with the approval of the mayor or selectmen, have the assistance of the police in visiting buildings and residences. C 51 § 14A

II. ANNUAL REGISTER

After April 1, the registrars shall prepare an annual register of all qualified voters in their city or town for the current year, beginning with January 1, entering the names contained in the street lists, which can be identified as being on the voting list of the city or town at the last election or town meeting.

The names shall be arranged alphabetically, including the voter's residence on the preceding January 1, or any subsequent day when he became an inhabitant of the city or town.

The registrars shall make all inquiries and investigations necessary to identify such person.

Any person who has registered as a voter in the current year shall be entered.

The registrars shall not enter the name of any person who:

- Is objected to by any registrar
- Resides in a lodging house yet is not reported as such by the keeper to the registrars

until such person has been duly notified and given an opportunity to be heard.

On or before the first Monday of June each year, the registrars shall send a written notice, first class mail, to each voter of the preceding year whose name has not been entered in the register of the current year, that his name has not been so entered. The registrars shall then prepare a list of those not so entered. C 51 § 37

Distribution

1. List of those not entered
 - Copies posted with copies of voting lists. (See p. 5 for times and places)
2. Lists of those entered and not entered
 - May be published in local newspaper.
 - Available to public upon payment of the costs of copying. C 51 § 37
 - Open to public inspection at registrars' principal office.

Revisions

1. Upon the personal application of a listed person for the correction of any error in the original lists, the registrars shall "make due investigation", and upon proof thereof, correct the error. C 51 § 38
2. When the registrars are informed that a person whose name has been omitted from a voting list is in the following:

- Hospital
- Sanatorium
- Rest home
- Convalescent home
- Nursing home

in another city or town, they shall "make due investigation" and upon proof thereof, restore his name to the list at the address of last registration.
Note: He must not have registered as a voter in the city or town where he then resides. C 51 § 38

3. When informed of the omission of a person who claims to have resided there on January 1 of the current year and was listed in the previous year, the registrars shall "make due investigation" and upon proof thereof, add his name to their books. C 51 § 38
4. The registrars shall revise and correct the street list and current annual register in accordance with any facts presented to them.
5. No name shall be stricken from the list nor place of residence changed unless
 - The voter has died (C 51 § 14)
 - The registrars receive notice (C 51 § 9) from registrars of another city or town that the voter is listed therein

until they have sent the person a notice of their intention to do so, naming a certain date where he may be heard. C 51 § 38

Party enrolment

The party enrolment of each voter, when established, cancelled or changed, shall be recorded in the current annual register. C 53 § 37,38

The registrars or election commissioners, on or before February 1 in each even-numbered year, shall submit to the state secretary a count, as of the date of the city or town election in the preceding year, of the number of voters enrolled in each political party and the number of unenrolled voters

- in each ward of a city in which the wards are not divided into precincts
- in each precinct of cities and towns divided into precincts
- in each town, if not divided into precincts.

The secretary shall, no later than September 1, in each even-numbered year, issue a report thereof. C 53 § 38A

III. VOTING LISTS

1. Generally

The registrars shall prepare voting lists for use at elections from the names entered in the annual register.

Opposite each name is listed the voter's residence on January 1 preceding, or at the time of his registration and party enrolment. The names of women voters shall not be entered in separate columns or lists. C 51 § 55

The voting lists are prepared:

- In cities, by wards.
- If a ward or town is divided into precincts, by precincts.
- In cities or towns with 5,000 or more inhabitants, voting lists shall be arranged by streets in alphabetical order, with the voters' names arranged in the numerical order of the street numbers of their residences, so far as is possible. C 51 § 55

Names shall be added and dropped as persons are found to be qualified or not qualified to vote. C 51 § 55

Any election or primary held prior to July 1 may use voting lists of the previous year, revised if necessary. C 51 § 55

At the end of the voting lists of each ward, precinct or town to be used at a state election, the registrars shall place under a proper heading, the names of all persons who, by changes in city or town boundaries, are not entitled to vote for the whole number of officers to be chosen. C 51 § 56

Distribution

The voting lists shall be furnished free of charge, upon request to:

- All duly organized political committees
- All political candidates for public office in the various districts in which the city or town is located. C 51 § 55

At least 20 days before the annual or biennial city or town election; in every place except Boston, at least 60 days before the biennial state election (in Boston, at least 24 days before the biennial state election ST 2 § 236) the registrars shall post copies of the voting lists in

- Their principal office
- One or more other public places in the city or town
- In each ward of a city
- In each precinct of a town

Copies shall be furnished free of charge to any state political committee organized in accordance with law. C 51 § 57

If a new name is added to the annual register after the voting lists have been posted, registrars shall add it to the lists posted in their principal office. If registrars are authorized to publish new names, they may, instead of posting them, publish them in a local or county newspaper. C 51 § 58

2. Absentee voting lists

The city or town clerk shall make a list of permanently disabled voters (C 54 § 86) and transmit it to the registrars. C 54 § 91

The city or town clerk shall place on the voting lists, opposite the name of each voter whose application for an absentee ballot has been certified, the capital letters "A.V.". The clerk shall prepare lists, arranged by precincts, of the names and addresses of all absentee voters, and, shall post copies of such lists for public inspection. C 54 § 91

An applicant for an absentee ballot who has been furnished a certificate of supplementary registration (C 51 § 51), shall submit the certificate with his application, and the clerk shall place on the certificate opposite the name of the applicant the capital letters "A.V.". The certificate then shall be attached to and become part of the voting list of the precinct where such applicant claims the right to vote. C 51 § 91.

3. Use at the Polls

Whenever the name of a voter, who appears at the polls to vote in a primary, caucus or election, is not on the voting list, or if a clerical error has been made in listing, the presiding officer shall try to identify such voter and his right to vote by telephoning the registrars or by other means at his disposal. If the presiding officer is satisfied that such voter is entitled to vote, he shall issue a certificate stating the voter's name, residence and party enrolment, if any, and signed by the officer. The certificate shall be attached to and considered part of the voting list. The voter may then vote. C 51 § 59

If, however, after a reasonable attempt, the officer is unable to identify such voter, the voter may go to the city or town hall where the registrars may so identify him. They shall then issue a certificate to be attached to and considered part of the voting list. The voter may then vote either at the clerk's office by absent ballot or back at the polls. C 51 § 59

The registrars shall prepare voting lists, in duplicate if necessary, to be used for every election or town meeting, at which voting lists are required, for each ward, precinct, polling place or town, containing the names and residences of voters as they appear on the annual register. C 51 § 60

One voting list shall be delivered to the ballot clerks and another to the officer in charge of the ballot box. If voting machines are used, one list shall be delivered to the officer at the entrance to the area within the guard rail. C 54 § 67

When a voter is handed a ballot, his name shall be checked on the first list and also on the second when he deposits the ballot in the box. C 54 § 67

No person shall vote if his name is not on the voting list, or until his name is checked unless he presents a certificate. C 54 § 67, C 51 §§ 51, 59

Use after Elections

The voting lists shall be delivered to the city or town clerk after the election. C 54 § 107

Within 15 days after an election, the clerk shall certify to the state secretary the total number of voters checked on the voting list at such election in each precinct. In the case of an election of state officers, a duplicate copy shall also be sent to be transmitted to the governor and council. C 54 § 132

The clerk may, within a reasonable time, make a copy of the checked voting lists, upon a written request:

- Signed by at least 10 voters in the town or ward of which the precinct forms a part.
 - Made by vote of the ward, town or city committee, signed by the chairman.
- C 54 § 108

The clerk shall retain in his custody the voting lists as long as he retains the cast ballots. C 54 § 109

The lists shall then be sent to the registrars to be held for two years. C 54 § 109

4. Primaries

Voting lists at primaries shall contain the party enrolment of the voters whose names appear thereon. C 57 §§ 37, 38

Use at the Polls

The voter shall give his name, and if requested, residence, to the ballot clerk, who distinctly announces them plus the party enrolment.

If the enrolment is not on the list, the voter shall be asked in which party he wishes to be enrolled, and upon reply, the ballot clerk distinctly announces it and places it on the list.

The same procedure shall be followed before the ballot is deposited in the ballot box. C 53 § 37

Use after Primaries

The lists are to be returned to the city or town clerk to be retained as long as

he retains the cast ballots, then to be sent to the registrars for two years. C 53 § 37

The registrars shall furnish a certified copy of the list upon a written request:

- Signed by a candidate at such primary
- Signed by the chairman or other officer of any ward, town or city committee. C 53 § 37

Distribution

The registrars or election commissioners shall give free of charge, a copy of the party enrolment voting list upon written request from:

- Primary candidate
- Any officer of any ward, town or city committee
- Duly organized political committee C 53 § 37

Absent Voting in Primaries

The party enrolment of a voter who votes by absentee ballot in a primary, notwithstanding the fact that the absentee ballot is rejected as defective, shall be recorded on the voting list to be used at the polls, after the ballot has been processed. If the voting list for use on the day of the primary is unavailable, his enrolment in the party shall be entered in the annual register forthwith. C 53 § 37A

5. Caucus

Generally

The registrars, at the request of the chairman of the ward or town committee or the person designated to call the caucus to order, shall furnish for use in the caucus a certified copy of the last published voting list of the town or ward in which the caucus is held, adding thereto the names of voters registered since such publication. C 51 § 62

Caucus of a Political Party

The voting lists used as check lists shall contain the party enrolment of the voters appearing thereon. C 51 § 62

No person shall vote or take part in a caucus whose name does not appear on the lists unless he presents a certificate as described in C 51 § 59 to the presiding officer of the caucus. C 53 § 77

Caucus not using Official Ballots

After the ballots cast have been counted, the secretary of the caucus shall send the check list to the city or town clerk to held for 10 days. C 53 § 86

During such time, ten voters, entitled to vote in the caucus, may file with the clerk a written request to hold the lists for three months and produce them if required by any court having jurisdiction or authority over them. C 53 § 86

Caucus using Official Ballots

The same procedures as above apply, except the lists shall be sealed before being sent to the city or town clerk. C 53 § 110

The clerk shall furnish a certified copy of the list, upon a written request signed by at least ten voters of a ward or town. C 53 § 111

Caucus other than of a Political Party

In balloting, the voting lists (c 51 § 62) shall be used as check lists. C 53 § 119

The secretary of the caucus shall, at the written request of ten voters entitled to vote in the caucus, hold the lists for three months and produce them if required by any court, board, convention or other tribunal having jurisdiction. C 53 § 120

6. Towns

Voting lists shall be used at the election of a moderator at a meeting for the choice of town officers. C 39 § 14

The voting list shall be used as a checklist in town elections which by law are to be by ballot. In other town elections, the meetings shall determine whether to use the list. C 41 § 5

7. Division of Cities and Towns into Wards and Precincts

The registrars shall furnish to the city or town clerk at the appropriate times, a list of all voters of any ward or precinct for the purposes of division. C 51 § 63

8. Measures Submitted to Voters

At least 24 days in Boston and at least 90 days in every other city or town before the biennial state election, the election commissioners and registrars shall send to the state secretary mailing lists of the voters whose names appear on the latest voting lists of their cities or towns, plus additions and corrections. The secretary shall send to each person on the list copies of the measures on the ballot and any related information. C 54 § 53

9. Federal Service Personnel

Before every election, the registrars shall seasonably prepare lists containing the names and addresses of all federal service personnel. Copies shall be posted in the registrars' principal offices.

Registrars shall give to the state secretary or city or town clerk, the number of residents of the city or town, ward and precinct, whose names are on the lists.

Registrars shall give to the state secretary the mailing lists of such residents before each biennial state election. C 54 § 103L

Before every election the registrars shall seasonably transmit copies of these lists to the city and town clerk and to the election officers in the wards and precincts. C 54 § 103M

10. Penalties

- a. False listings by registrars or listing board members:
 - \$1,000 maximum fine or not more than one year imprisonment. C 56 § 1
- b. Refusal or wilful failure by registrars or listing board members:
 - \$500 maximum fine or not more than six months imprisonment. C 56 § 3
- c. Refusal to give street list information to registrars or listing board members:
 - \$500 maximum fine or not more than one year imprisonment. C 56 § 4
- d. Refusal by innkeeper to give required information:
 - Not less than \$10 nor more than \$50 fine. C 56 § 4
- e. Knowingly giving false information to a registrar or listing board member:
 - \$500 maximum fine or not more than six months imprisonment. C 56 § 5
- f. Wilfully defacing or removing a posted voting list:
 - \$100 maximum fine or not more than six months imprisonment. C 56 § 10
- g. Wilful alteration, defacing or destroying a voting list, before the compliance with law, by an election officer:
 - \$500 maximum fine or not more than six months imprisonment. C 56 § 12
- h. Improper disposition of lists, before or after the votes are counted, by an election officer:
 - \$500 maximum fine or not more than one year imprisonment. C 56 § 16

